



COPY OF PAPERS
ORIGINALLY FILED

Docket No. HYS-31CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Godbole, et al.

Serial No: 09/756,247

Filed: January 08, 2001

For: METHODS AND MATERIALS
RELATING TO ALPHA-2-
MACROGLOBULIN-LIKE
POLYPEPTIDES AND
POLYNUCLEOTIDES

CERTIFICATE OF MAILING
UNDER 37 CFR 1.8

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, Washington, D.C., 20231.

Date of Deposit: April 29, 2002

Type or Print Name of Person Mailing: Annya Dushine


Signature of Person Mailing

STATEMENT OF FACTS TO SUPPORT THE

FILING ON BEHALF OF THE NONSIGNING INVENTORS

BOX MISSING PARTS
Commissioner for Patents
Washington, DC 20231

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MAY 14 2002

OFFICE OF PETITIONS

Sir:

In support of concurrently submitted petition under 37 C.F.R. §1.47(b), I, Luisa Bigornia hereby declare the following:

1. I am a legal representative of Hyseq, Inc.
2. I have firsthand knowledge of the exact facts that are relied upon to support the concurrently filed Petition Under 37 C.F.R. § 1.47(b) so that Hyseq, Inc. be granted a patent based on the above-identified application.
3. I make the following statements to establish that the inventor Shubhada Godbole (the "Inventor") of the above-identified application refused to sign the appropriate declaration and that Hyseq, Inc. has sufficient proprietary interest to execute the declaration.

4. Hyseq, Inc. and the Inventors executed an agreement ("Agreement") that included a provision that Hyseq, Inc. shall be the exclusive owner of any and all inventions that result from the use of any and all research materials. A redacted version of the Agreement is attached herewith as Exhibit 1.

5. Among the experiments specifically contemplated by the Agreement were experiments directed towards the use of compilation of bioinformatic information, including PFam, eMatrix and BLAST data, in support of the preparation of the invention disclosure for the gene designated C228 disclosed in the above-identified application.

6. On February 20, 2002, Annya Dushine, through the undersigned attorney, sent a package that included a copy of the Declaration For Patent Application And Power Of Attorney, and a cover letter to Shubhada Godbole (attached herewith as Exhibit 2) at the address listed in the accompanying Petition Under 37 C.F.R. §1.47(b) via Federal Express. She requested in the cover letter that Shubhada Godbole sign the Declaration for the above-identified application and return the executed Declaration to her by means of an enclosed prepaid courier envelope. In addition, she invited the Inventor to contact her with any questions she might have. These materials were sent to Shubhada Godbole on February 20, 2002 and receipt at her listed address was confirmed by delivery on February 21, 2002, respectively, as evidenced by the detailed results of Tracked Shipments provided by Federal Express, submitted herewith as Exhibit 3.

7. In response to this request for cooperation and signature, I have yet to receive any response from the Inventor. The two-month silence regarding the Inventor's assistance in prosecuting the present application has led Hyseq, Inc. to reasonably conclude that the Inventor refuses to cooperate, particularly refusing to sign the Declaration.


8. Permitting Luisa Bigornia to sign on behalf of the nonsigning Inventors is necessary to prevent irreparable damage given that the inventor-applicants refuse to execute the inventor's declaration.

9. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Respectfully submitted,

Dated: April 29, 2002

By:


Luisa Bigornia
Attorney for Applicants
Registration No.: 45,974
HYSEQ, INC.
670 Almanor Avenue
Sunnyvale, CA 94085
(408) 524-8100
(408) 524-8145 FAX



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DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

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**Shubhada D. Godbole, Bryan J. Boyle, Nancy K. Mize, Cenhua Deng, Ryle W. Goodrich,
Matthew C. Arterburn, Ping Zhou, Y. Tom Tang, Chenghua Liu, George Yeung,
Radoje T. Drmanac**

My/our residence, post office address and citizenship is/are as stated below next to my/our name(s).

I/we believe I/we am/are an/the original, first and sole/joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHODS AND MATERIALS RELATING TO ALPHA-2-MACROGLOBULIN-LIKE POLYPEPTIDES AND POLYNUCLEOTIDES, the specification of which

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I/We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I/We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate, listed below and so identified, and I/we have also identified below any foreign application for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns and having a filing date before that of the application on which priority is claimed:

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Please address all telephone calls to Ivor R. Elrifi at telephone number 617/348-1747. Please address all correspondence to:

Ivor R. Elrifi
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
One Financial Center
Boston, Massachusetts 02111

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Full name of
first joint inventor: Shubhada D. Godbole

Inventor's signature: _____ Date: _____

Residence and Post
Office Address: 1013 Wood Duck Avenue, Santa Clara, CA 95051

Citizenship: India

Full name of
second joint inventor: Bryan J. Boyle

Inventor's signature: Bryan J Boyle Date: 2/27/2002

Residence and Post
Office Address: 1947 10th Avenue, San Francisco, CA 94116

Citizenship: United States of America

Full name of
third joint inventor: Nancy K. Mize

Inventor's signature: _____ Date: _____

Residence and Post
Office Address: 662 Mountain View Avenue, Mountain View, CA 94041

Citizenship: United States of America

Full name of
fourth joint inventor:

Cenhua Deng

Inventor's signature:

Date:

Residence and Post
Office Address:

6405 Myrtlewood Drive, Cupertino, CA 95014

Citizenship:

People's Republic of China

Full name of
fifth joint inventor:

Ryle W. Goodrich

Inventor's signature:

Date:

Residence and Post
Office Address:

4846 Sandy Lane, San Jose, CA 95124

Citizenship:

United States of America

Full name of
sixth joint inventor:

Matthew C. Arterburn

Inventor's signature:

Date:

Residence and Post
Office Address:

15840 Union Avenue, Los Gatos, CA 95032

Citizenship:

United States of America

Full name of
seventh joint inventor:

Ping Zhou

Inventor's signature:

Date:

Residence and Post
Office Address:

7595 Newcastle Drive, Cupertino, CA 95014

Citizenship:

United States of America

Full name of
eighth joint inventor: Y. Tom Tang

Inventor's signature: _____ Date: _____

Residence and Post
Office Address: 4230 Ranwick Court, San Jose, CA 95118

Citizenship: United States of America

Full name of
ninth joint inventor: Chenghua Liu

Inventor's signature:  _____ Date: 02/21/2002

Residence and Post
Office Address: 1125 Ranchero Way, Apt. # 14, San Jose, CA 95117

Citizenship: People's Republic of China

Full name of
tenth joint inventor: George Yeung

Inventor's signature: _____ Date: _____

Residence and Post
Office Address: 102 Magnolia Lane, Mountain View, CA 94043

Citizenship: People's Republic of China

Full name of
eleventh joint inventor: Radoje T. Drmanac

Inventor's signature: _____ Date: _____

Residence and Post
Office Address: 850 East Greenwich Place, Palo Alto, CA 94303

Citizenship: United States of America



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Citizenship: India

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Inventor's signature: _____ Date: _____

Residence and Post
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Citizenship: United States of America

Full name of
third joint inventor: Nancy K. Mize

Inventor's signature: _____ Date: _____

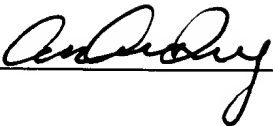
Residence and Post
Office Address: 662 Mountain View Avenue, Mountain View, CA 94041

Citizenship: United States of America

Full name of
fourth joint inventor:

Cenhua Deng

Inventor's signature:



Date: 2/21/02

Residence and Post
Office Address:

6405 Myrtlewood Drive, Cupertino, CA 95014

Citizenship:

People's Republic of China

Full name of
fifth joint inventor:

Ryle W. Goodrich

Inventor's signature:

Date: _____

Residence and Post
Office Address:

4846 Sandy Lane, San Jose, CA 95124

Citizenship:

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Full name of
sixth joint inventor:

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Inventor's signature:



Date: 02/21/02

Residence and Post
Office Address:

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Citizenship:

United States of America

Full name of
seventh joint inventor:

Ping Zhou

Inventor's signature:




Date: 2/21/02

Residence and Post
Office Address:


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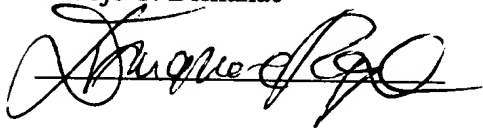
Citizenship:

United States of America

Full name of eighth joint inventor: Y. Tom Tang
Inventor's signature:  Date: Feb. 02. 2002
Residence and Post Office Address: 4230 Ranwick Court, San Jose, CA 95118
Citizenship: United States of America

Full name of ninth joint inventor: Chenghua Liu
Inventor's signature: _____ Date: _____
Residence and Post Office Address: 1125 Ranchero Way, Apt. # 14, San Jose, CA 95117
Citizenship: People's Republic of China

Full name of tenth joint inventor: George Yeung
Inventor's signature:  Date: 2/21/02
Residence and Post Office Address: 102 Magnolia Lane, Mountain View, CA 94043
Citizenship: People's Republic of China

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Inventor's signature: _____ Date: _____

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Citizenship: India

Full name of
second joint inventor: Bryan J. Boyle

Inventor's signature: _____ Date: _____

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Office Address: 1947 10th Avenue, San Francisco, CA 94116

Citizenship: United States of America

Full name of
third joint inventor: Nancy K. Mize

Inventor's signature:  _____ Date: 2/26/02

Residence and Post
Office Address: 662 Mountain View Avenue, Mountain View, CA 94041

Citizenship: United States of America

Full name of
fourth joint inventor:

Cenhua Deng

Inventor's signature:

Date: _____

Residence and Post
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Citizenship:

People's Republic of China

Full name of
fifth joint inventor:

Ryle W. Goodrich

Inventor's signature:

Date: _____

Residence and Post
Office Address:

4846 Sandy Lane, San Jose, CA 95124

Citizenship:

United States of America

Full name of
sixth joint inventor:

Matthew C. Arterburn

Inventor's signature:

Date: _____

Residence and Post
Office Address:

15840 Union Avenue, Los Gatos, CA 95032

Citizenship:

United States of America

Full name of
seventh joint inventor:

Ping Zhou

Inventor's signature:

Date: _____

Residence and Post
Office Address:

7595 Newcastle Drive, Cupertino, CA 95014

Citizenship:

United States of America

Full name of
eighth joint inventor: Y. Tom Tang

Inventor's signature: _____ Date: _____

Residence and Post
Office Address: 4230 Ranwick Court, San Jose, CA 95118

Citizenship: United States of America

Full name of
ninth joint inventor: Chenghua Liu

Inventor's signature: _____ Date: _____

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Citizenship: People's Republic of China

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Inventor's signature: _____ Date: _____

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I/we believe I/we am/are an/the original, first and sole/joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHODS AND MATERIALS RELATING TO ALPHA-2-MACROGLOBULIN-LIKE POLYPEPTIDES AND POLYNUCLEOTIDES, the specification of which

_____ is attached hereto.

X was filed on 01/08/2001 as Application Serial Number 09/756,247

I/We hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I/We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I/We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate, listed below and so identified, and I/we have also identified below any foreign application for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns and having a filing date before that of the application on which priority is claimed:

NUMBER	COUNTRY	DAY/MONTH/ YEAR FILED	PRIORITY CLAIMED - YES OR NO

I/We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I/we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

SERIAL NUMBER	FILING DATE	STATUS
09/649,167	August 23, 2000	Pending
09/540,217	March 31, 2000	Pending
09/684,711	October 06, 2000	Pending
09/560,875	April 27, 2000	Pending
09/496,914	February 03, 2000	Pending

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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all of MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO PC, as Applicant's attorneys with full power of substitution and revocation to take any and all action necessary with regard to the above-identified patent.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

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